

## CHAPTER 55

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**COURTS**


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**HOUSE BILL 19-1042**

BY REPRESENTATIVE(S) Gonzales-Gutierrez, Arndt, Buckner, Buentello, Caraveo, Duran, Esgar, Galindo, Herod, Hooton, Jaquez Lewis, Kennedy, Kipp, Michaelson Jenet, Mullica, Singer, Sirota, Snyder, Tipper, Valdez A., Weissman, Becker; also SENATOR(S) Gonzales, Court, Fenberg, Fields, Moreno, Story, Todd, Williams A., Winter.

**AN ACT****CONCERNING EXPANDING THE JURISDICTION OF THE COURTS FOR CERTAIN VULNERABLE YOUTH.**

*Be it enacted by the General Assembly of the State of Colorado:*

**SECTION 1.** In Colorado Revised Statutes, 15-14-102, **amend** the introductory portion and (8) as follows:

**15-14-102. Definitions.** In parts 1 to 4 of this ~~article~~ ARTICLE 14:

(8) "Minor" means an unemancipated individual who has not attained eighteen years of age; EXCEPT THAT IN PROCEEDINGS PURSUANT TO SECTION 15-14-204(2.5) ONLY, "MINOR" MEANS AN UNMARRIED INDIVIDUAL WHO HAS NOT ATTAINED TWENTY-ONE YEARS OF AGE.

**SECTION 2.** In Colorado Revised Statutes, 15-14-204, **add** (2.5) as follows:

**15-14-204. Judicial appointment of guardian - conditions for appointment - definition.** (2.5) (a) FOR PURPOSES OF THIS SUBSECTION (2.5) ONLY, "MINOR" MEANS AN UNMARRIED INDIVIDUAL WHO HAS NOT ATTAINED TWENTY-ONE YEARS OF AGE.

(b) THE COURT MAY ENTER AN ORDER APPOINTING A GUARDIAN OF A MINOR, AS DEFINED IN SUBSECTION (2.5)(a) OF THIS SECTION, AND A DETERMINATION OF WHETHER THE MINOR SHALL BE REUNIFIED WITH A PARENT OR PARENTS, WHEN THE REQUIREMENTS OF SUBSECTION (2) OF THIS SECTION ARE MET, THE ORDER IS IN THE MINOR'S BEST INTERESTS, AND:

(I) THE MINOR HAS NOT ATTAINED TWENTY-ONE YEARS OF AGE;

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*Capital letters or bold & italic numbers indicate new material added to existing law; dashes through words or numbers indicate deletions from existing law and such material is not part of the act.*

(II) THE MINOR IS RESIDING WITH AND DEPENDENT UPON A CAREGIVER; AND

(III) A REQUEST IS MADE FOR FINDINGS FROM THE COURT TO ESTABLISH THE MINOR'S ELIGIBILITY FOR CLASSIFICATION AS A SPECIAL IMMIGRANT JUVENILE PURSUANT TO 8 U.S.C. SEC. 1101 (a)(27)(J).

(c) IF A REQUEST IS MADE FOR FINDINGS ESTABLISHING THE MINOR'S ELIGIBILITY FOR CLASSIFICATION AS A SPECIAL IMMIGRANT JUVENILE UNDER FEDERAL LAW AND THE COURT DETERMINES THAT THERE IS SUFFICIENT EVIDENCE TO SUPPORT THE FINDINGS, THE COURT SHALL ENTER AN ORDER, INCLUDING FACTUAL FINDINGS AND CONCLUSIONS OF LAW, DETERMINING THAT:

(I) THE MINOR HAS BEEN PLACED UNDER THE CUSTODY OF AN INDIVIDUAL APPOINTED BY THE COURT THROUGH THE APPOINTMENT OF A GUARDIAN;

(II) REUNIFICATION OF THE MINOR WITH ONE OR BOTH PARENTS IS NOT VIABLE DUE TO ABUSE, NEGLECT, ABANDONMENT, OR A SIMILAR BASIS FOUND UNDER STATE LAW; AND

(III) IT IS NOT IN THE BEST INTERESTS OF THE MINOR TO BE RETURNED TO THE MINOR'S OR PARENTS' PREVIOUS COUNTRY OF NATIONALITY OR COUNTRY OF LAST HABITUAL RESIDENCE.

**SECTION 3.** In Colorado Revised Statutes, 15-14-210, **amend** (1) as follows:

**15-14-210. Termination of guardianship - other proceedings after appointment.** (1) A guardianship of a minor terminates upon the minor's death, adoption, emancipation, or attainment of majority or as ordered by the court; EXCEPT THAT THE APPOINTMENT OF A GUARDIAN OF A MINOR PURSUANT TO SECTION 15-14-204 (2.5) DOES NOT TERMINATE BASED ON AGE UNTIL TWENTY-ONE YEARS OF AGE.

**SECTION 4.** In Colorado Revised Statutes, 14-10-103, **add** (5) as follows:

**14-10-103. Definitions and interpretation of terms.** (5) AS USED IN THIS ARTICLE 10, UNLESS THE CONTEXT OTHERWISE REQUIRES, FOR PURPOSES OF PROCEEDINGS FOR ALLOCATION OF PARENTAL RESPONSIBILITIES PURSUANT TO SECTION 14-10-123 (1.5) ONLY, THE TERM "CHILD" MEANS AN UNMARRIED INDIVIDUAL WHO HAS NOT ATTAINED TWENTY-ONE YEARS OF AGE.

**SECTION 5.** In Colorado Revised Statutes, 14-10-123, **add** (1.5) as follows:

**14-10-123. Commencement of proceedings concerning allocation of parental responsibilities - jurisdiction - automatic temporary injunction - enforcement - definition.** (1.5) (a) FOR PURPOSES OF THIS SUBSECTION (1.5) ONLY, "CHILD" MEANS AN UNMARRIED INDIVIDUAL WHO HAS NOT ATTAINED TWENTY-ONE YEARS OF AGE.

(b) THE COURT MAY ENTER AN ORDER FOR ALLOCATION OF PARENTAL RESPONSIBILITIES FOR A CHILD, AS DEFINED IN SUBSECTION (1.5)(a) OF THIS SECTION,

AND A DETERMINATION OF WHETHER THE CHILD SHALL BE REUNIFIED WITH A PARENT OR PARENTS, WHEN THE REQUIREMENTS OF SUBSECTION (1) OF THIS SECTION ARE MET, THE ORDER IS IN THE CHILD'S BEST INTERESTS, AND:

(I) THE CHILD HAS NOT ATTAINED TWENTY-ONE YEARS OF AGE;

(II) THE CHILD IS RESIDING WITH AND DEPENDENT UPON A CAREGIVER; AND

(III) A REQUEST IS MADE FOR FINDINGS FROM THE COURT TO ESTABLISH THE CHILD'S ELIGIBILITY FOR CLASSIFICATION AS A SPECIAL IMMIGRANT JUVENILE PURSUANT TO 8 U.S.C. SEC. 1101 (a)(27)(J).

(c) IF A REQUEST IS MADE FOR FINDINGS FROM THE COURT TO ESTABLISH THE CHILD'S ELIGIBILITY FOR CLASSIFICATION AS A SPECIAL IMMIGRANT JUVENILE UNDER FEDERAL LAW AND THE COURT DETERMINES THAT THERE IS SUFFICIENT EVIDENCE TO SUPPORT THE FINDINGS, THE COURT SHALL ENTER AN ORDER, INCLUDING FACTUAL FINDINGS AND CONCLUSIONS OF LAW, DETERMINING THAT:

(I) THE CHILD HAS BEEN PLACED UNDER THE CUSTODY OF AN INDIVIDUAL APPOINTED BY THE COURT PURSUANT TO AN ORDER FOR ALLOCATION OF PARENTAL RESPONSIBILITIES;

(II) REUNIFICATION OF THE CHILD WITH ONE OR BOTH PARENTS IS NOT VIABLE DUE TO ABUSE, NEGLECT, ABANDONMENT, OR A SIMILAR BASIS FOUND UNDER STATE LAW; AND

(III) IT IS NOT IN THE BEST INTERESTS OF THE CHILD TO BE RETURNED TO THE CHILD'S OR PARENTS' PREVIOUS COUNTRY OF NATIONALITY OR COUNTRY OF LAST HABITUAL RESIDENCE.

**SECTION 6.** In Colorado Revised Statutes, 19-1-104, **amend** (1) introductory portion and (1)(c); and **add** (1.5) as follows:

**19-1-104. Jurisdiction.** (1) Except as otherwise provided by law, the juvenile court ~~shall have~~ HAS exclusive original jurisdiction in proceedings:

(c) To determine the legal custody of any child or to appoint a guardian of the person or legal custodian of any child who comes within the juvenile court's jurisdiction under provisions of this section, AND MAY ALSO ENTER FINDINGS AND ORDERS AS DESCRIBED IN SECTION 14-10-123 (1.5) AND SECTION 15-14-204 (2.5);

(1.5) A JUVENILE COURT EXERCISING JURISDICTION PURSUANT TO SUBSECTION (1)(a), (1)(b), (1)(c), (1)(f), OR (1)(g) OF THIS SECTION MAY ENTER FINDINGS ESTABLISHING ELIGIBILITY FOR CLASSIFICATION AS A SPECIAL IMMIGRANT JUVENILE UNDER FEDERAL LAW.

**SECTION 7. Safety clause.** The general assembly hereby finds, determines, and declares that this act is necessary for the immediate preservation of the public peace, health, and safety.

Approved: March 28, 2019